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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ARMAND BELVIN,

15 Defendant.
16

CR 12-00140 CW

STIPULATION TO CONTINUANCE
AND EXCLUSION OF TIME UNDER
THE SPEEDY TRIAL ACT, 18 U.S.C. §
3161 ET. SEQ.; ORDER

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the change
18 of plea hearing date of July 11, 2012, presently scheduled at 9:30 a.m. before the Honorable Donna
19 M. Ryu, be vacated and the matter be re-set for August 28, 2012 at 2:30 p.m. before the Honorable
20 Claudia Wilken, for change of plea.

21 The requested continuance is necessary because Mr. Belvin's six month old daughter is
22 scheduled to undergo surgery on August 6, 2012 to remove extra digits on her hands. Since the plea
23 agreement provides that Mr. Belvin will be remanded upon entry of his plea, the parties request that
24 entry of plea be postponed to allow him to care for his infant daughter during and immediately after
25

1 her surgery.

2 The parties agree and stipulate that the time until August 28, 2012 should be excluded
3 because the ends of justice served by the granting of the continuance outweigh the best interests
4 of the public and the defendant in a speedy and public trial. The continuance is necessary to provide
5 the defendant with continuity of counsel (18 U.S.C. §3161(h)(7)(B)(iv)) and is appropriate in order
6 to facilitate the Court's consideration of the proposed plea agreement (18 U.S.C. §3161(h)(7)(G)). The
7 parties will submit the proposed plea agreement to the Court on Tuesday, July 3, 2012.

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10 Date: July 5, 2012

/s/
ELLEN V. LEONIDA
Assistant Federal Public Defender
Counsel for defendant ARMAND BELVIN

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14 Date: July 5, 2012

/s/
BRIGID MARTIN
Assistant United States Attorney

ORDER

The court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate continuity of counsel and the Court's consideration of the proposed plea agreement. Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to August 28, 2012 at 2:30 p.m., before the Honorable Claudia Wilken, and that time is excluded from July 11, 2012 until August 28, 2012 pursuant to 18 U.S.C. § 3161(h)(7)(G) and 18 U.S.C. §3161(h)(7)(B)(iv) .

IT IS SO ORDERED.

7/3/2012
Date



HON. DONNA M. RYU
UNITED STATES DISTRICT JUDGE